

Happy Valley Mobile Food Units

16.69.030 Mobile food unit sites.

A. Purpose. Mobile food units, which are defined in OAR 333-150-0000, can provide opportunities to enliven under-utilized parking lots, allow individual entrepreneurship at a small scale, and provide unique eating establishments for the public. The purpose of this section is to allow for mobile food unit sites or “cart pods” where mobile food units (carts) can be parked on a long term basis. As with temporary uses, permanent site improvements may not be required; however, the standards and permit processes of this section are intended to ensure that mobile food unit sites are conducted as lawful uses and in a manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties and residents.

B. Exemptions. The following are exempt from provisions of this section:

1. Locations where mobile food units stop for less than two hours in any twenty-four (24) hour period.
2. Locations where mobile food units are stored when not in operation are exempt from the provisions of this section; however, the storage of commercial vehicles may be subject to other requirements of the LDC.
3. Mobile food units and other mobile vending units that are operated as part of an approved farmer’s market.

C. Mobile Food Unit Site Standards. The following standards apply to mobile food unit sites.

1. Zoning. Mobile food unit sites are not permitted in residential zones, but are permitted, as restricted, within the commercial and industrial district use tables found within this title.
2. Accessory Items and Structures. Trash receptacles for customer use shall be maintained no more than ten (10) feet from the mobile food units. Portable accessory items, such as picnic tables, are permitted. With Type II approval, new accessory structures may be constructed, as follows:
 - a. A maximum of two restroom structures, provided that the combined square footage does not exceed two hundred (200);
 - b. A maximum of two storage buildings, provided that the combined square footage does not exceed two hundred (200);
 - c. One trash enclosure; and
 - d. Outdoor seating areas, which may have roofs, floors, and railings, but no walls (e.g., decks, picnic shelters), provided that the square footage does not exceed two hundred (200) square feet per mobile vending unit and that no single structure exceeds two hundred (200) square feet.
3. Signs. Signs are restricted to “A-Frame” signs only, permitted pursuant to Chapter 16.45.
4. Minimum Setbacks and Separation Distance. All mobile food units on the site shall be located a minimum of:
 - a. Five feet from any structure or other mobile food unit;
 - b. Ten (10) feet from any front lot line; and

- c. Five feet from any side or rear lot line, except if such lot line abuts a residential district the minimum setback shall be twenty (20) feet.

5. Screening. If the mobile food unit site is located less than twenty (20) feet from a residential zoning district, the residential property shall be screened from the mobile food unit site, which may be a portion of a property including the mobile food unit, seating, queuing, etc., abutting the residential zoning district and may not necessarily extend to the shared property line.

Required screening:

- a. May be provided by an existing, continuous, sight-obscuring structure, fence, or hedge;
- b. If new, shall be a continuous, sight-obscuring vegetative screen; or if fencing is utilized as screening, shall be stained cedar or ornate metal. Chain-link fencing with slats shall not qualify as acceptable screening material; and
- c. Shall have a minimum height of six feet.

6. Setback from Vehicular and Pedestrian Use Areas. Windows and doors used for service to customers shall be located a minimum of ten (10) feet from loading areas, driveways, on-site circulation drives, and parking lot aisles, and a minimum of five feet from bicycle parking spaces and walkways.

7. Obstruction of Vehicular and Pedestrian Use Areas and Landscape Areas. No mobile food unit or associated element, such as aboveground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy bicycle parking spaces, loading areas, or walkways. Mobile vending units shall not occupy landscaping areas approved as part of a prior design review or other land use application. However, occupying existing on-site automobile parking spaces is permitted, provided that such spaces are not simultaneously used for parking or required to meet minimum parking requirements on the site.

8. Surfacing. All mobile food units shall be placed on an existing hard-surfaced area, and any associated parking, loading, and maneuvering areas for vehicles shall be on existing hard-surfaced areas, unless a permeable parking, loading, or maneuvering area surface was authorized as part of a previously implemented design review approval for the site.

9. Driveway Access. No new or modified driveway access is permitted.

10. Intersection Sight Distance and Roadside Clear Zones. The mobile food unit and any attachments or accessory items shall comply with the intersection sight distance and roadside clear zone standards of the City of Happy Valley Engineering Standards.

11. Lighting. Outdoor lighting shall be required per this title if not already provided by an existing use.

12. Utilities. To the extent that utilities are desired by the applicant or required by applicable regulations, mobile vending units shall have self-contained utilities, or if on-site utility connections are proposed, such utilities shall be installed underground, except where prohibited by the utility district or company. Notwithstanding this requirement:

- a. If allowed by the utility district or company and any applicable Oregon Specialty Code, aboveground utility connections are permitted, when a mobile vending unit will

remain on the subject property for no more than one hundred twenty (120) days in a calendar year. For the purpose of this exception:

- i. If a mobile vending unit is replaced by another, the number of days shall be calculated by adding the days spent on-site by each unit.
- ii. If a mobile vending unit spends any portion of a day on the subject property, it shall count as one day.
- b. If allowed by the utility district or company and the Oregon Electrical Specialty Code, aboveground power cords are permitted to connect the mobile vending unit to an approved electricity source.
- c. If allowed by the utility district or company and the Oregon Plumbing Specialty Code, aboveground hoses are permitted to connect the mobile vending unit to an approved water source.

13. Sanitation Facilities. For four carts or less, portable toilets and hand-washing facilities are permitted but may not drain to the surface. For five carts or more, utilization of existing restrooms within an existing building may be utilized, or if new, permanent restrooms shall be constructed.

14. Sewage Disposal. Subsurface sewage disposal is prohibited.

15. Central Pavilions. Subject to subsection (E)(3), outdoor seating areas, which may have roofs, floors, walls, railings, etc. are permitted, provided that the combined square footage does not exceed two hundred (200) square feet per mobile vending unit and that no single structure exceeds five thousand (5,000) square feet in size.

16. Vendor Parking. For any mobile food unit site requiring a Type II Design Review approval, vendor parking shall be provided in addition to the off-street parking requirements of Section 16.43.030 (Automobile parking standards) at the rate of one parking stall per mobile food unit. Vendor parking may be satisfied by the provision of off-site, shared parking agreements.

D. Mobile Food Units. The following standards apply to each mobile food unit on the site.

1. Attachments. Attachments to the mobile vending unit, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground. Neither the mobile food unit nor any item relating to the unit shall lean against or hang from any structure or utility pole. No structure shall be attached to the mobile food unit.
2. Accessory Storage. Except as specifically allowed by subsection C, items relating to the mobile food unit shall be stored in, on, or under the unit.
3. Interior Seating or Vending. Customer seating or vending inside the mobile food unit is prohibited.
4. Skirting. Skirting shall be placed around the perimeter of the mobile vending unit.
5. Drive-Thru Service. A mobile food unit may include drive-thru service only if drive-thru service is allowed as a primary or accessory use in the zoning district in which the subject property is located. Drive-thru service shall be subject to the related provisions of this title.

6. Other Licenses Required. Besides meeting the requirements of this section, the operator of a mobile food unit must have an active City business license and must comply with the permit requirements of Clackamas County Environmental Health Department.

E. Permit Procedures. Mobile food unit site permits will be processed as follows:

1. Type I. Up to two carts on one site with no accessory structures other than trashcans and portable accessory items, such as picnic tables may be reviewed in accordance with Section 16.61.020 Type I procedure (administrative).
2. Type II. Up to four carts on one site and/or new accessory structures constructed in accordance with subsection (C)(2) of this section may be reviewed in accordance with Section 16.61.035 Type II-DR procedure (administrative).
3. Five or more carts on one site and/or improvements or new accessory structures other than those permitted through Type I or Type II approval requires design review approval in accordance with Section 16.61.045 Type III-DR procedure (quasi-judicial). New structures greater than two hundred (200) square feet in size shall be subject to the Happy Valley Style Appendix "B."

F. Submittal Requirements. An application for a mobile food unit site permit shall include the following:

1. A completed application form on a form provided by the Planning Official;
2. Information sufficient to address the standards in subsection C; and
3. A site plan of the subject property drawn to scale and including:
 - a. The lot lines,
 - b. The location of existing structures,
 - c. The proposed boundaries of the mobile food unit site. Within the boundaries of the mobile food unit site, the location of all mobile food units, seating areas, and any accessory items or structures shall be shown,
 - d. The proposed distance between the mobile vending unit site and adjacent lot lines, as well as the proposed separation distance between units and between units and other on-site structures,
 - e. The type and location of any proposed on-site utility connections for mobile food units,
 - f. The location of existing loading areas, driveways, on-site circulation drives, parking lot aisles, bicycle and automobile parking spaces, and walkways,
 - g. The orientation of service windows and doors on the mobile food units and location of queuing areas,
 - h. The location of existing landscaping, and
 - i. The dimensions, height, and location of proposed A-Frame signs.

G. Conditions of Approval. The approval body may impose conditions upon the approval of a mobile food unit site permit to ensure compliance with the requirements of this chapter. These conditions may include, but are not limited to, the following:

1. Further limiting the hours, days, place and manner of operation;

2. Requiring site and building design features which minimize environmental impacts such as noise, glare, and odor;
3. Requiring additional building setbacks;
4. Further limiting the building area and outdoor storage used by the mobile food unit site and restricting the location of the use on the site in relationship to adjoining uses;
5. Designating the size, number, location and design of vehicle access points;
6. Requiring landscaping, buffering and/or screening, of the mobile food unit site from adjoining uses and establishing standards for the continued maintenance of these improvements;
7. Requiring storm drainage improvements, and surfacing of parking and loading areas;
8. Limiting or setting standards for the location and intensity of outdoor lighting;
9. Requiring and designating the size, height and location of fences and materials used for their construction;
10. Requiring the protection and preservation of existing trees, and other vegetation, watercourses, slopes, wildlife habitat areas and drainage areas;
11. Limiting the type and number of vehicles or equipment to be parked or stored on the site;
12. Any other limitations which the staff considers to be necessary or desirable to make the use comply with this section; and
13. Any limitations or conditions imposed by the City's service providers, including but not limited to Sunrise Water Authority, Clackamas River Water, Clackamas Fire District #1, CCSD#1, CCSD#5, etc.

H. Approval Period and Time Extension. Unless listed as a permitted use in the underlying zone, a mobile food unit site approval is valid for four years from the date of the final written decision. If the City's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented, or the approval will become void. "Implemented" means all necessary development permits shall be obtained and maintained for the approved development. At the end of any four-year period, the applicant may apply for another four-year permit by filing a new, Type II application.

I. Grounds for Revocation. The Planning Official or designee may:

1. Revoke a mobile food unit site permit approval if the conditions of approval have not been or are not being complied with and the mobile food unit site is otherwise being conducted in a manner contrary to this chapter.
2. The Planning Official or designee shall approve the use as it exists, revoke the mobile food unit site permit, or compel measures to be taken to ensure compatibility with the neighborhood and conformance with this section after reviewing a complaint. Complaints may be originated by the City of Happy Valley or the public. Complaints from the public shall clearly state the objection to the mobile food unit site, such as:
 - a. Generation of excessive traffic;
 - b. Generation of excessive noise or litter;
 - c. Other offensive activities not compatible with the surrounding area.

3. Waiting Period for Reapplication. When a mobile food unit site permit has been revoked due to violation of these standards, a minimum period of one year shall elapse before another application for a mobile food unit site on the subject parcel will be considered.

(Ord. 501 § 1, 2016; Ord. 474 § 1, 2015; Ord. 443 § 1, 2013)